

CITY COUNCIL MINUTES  
MARCH 9, 2006

The Round Rock City Council met Regular Session on Thursday, March 9, 2006, in the City Council Chamber, 221 E. Main Street.

CALL REGULAR SESSION TO ORDER – 7:00 P.M.

PLEDGE OF ALLEGIANCE

Mayor Maxwell led the Pledge of Allegiance.

ROLL CALL: Those members present were Mayor Nyle Maxwell, Mayor Pro-tem Alan McGraw, Councilmember Rufus Honeycutt, Councilmember Joe Clifford, Councilmember Carlos T. Salinas, Councilmember Scott Rhode and Ted Williamson. Also present were City Manager Jim Nuse and City Attorney Steve Sheets.

CITIZENS COMMUNICATIONS:

Jennifer Folster, 2805 Deerfern Lane, expressed her concern regarding community developer DR Horton not building architecturally compatible homes in Phase I of Settlers Overlook.

PUBLIC HEARINGS:

5.A.1. Consider public testimony regarding the proposed annexation of 30.05 acres of land out of the Joseph Marshall Survey. (Highland Terrace) Jim Stendebach, Planning Director made the staff presentation. This tract is known as Highland Terrace and totaling 30.05 acres is located on the westside of Red Bud Lane. It is adjacent to single-family residential development on the west and north and a commercial planned unit development to the south. It is the city's desire to annex this tract in order to control the development and preserve the integrity of the surrounding existing residential neighborhoods. Two public hearings will be held regarding this annexation this one and on March 23, 2006.

Mayor Maxwell opened the public hearing.

The following individuals spoke on the annexation of Highland Terrace.

Joel Robuck, 3816 Del Mar, Dallas, TX, developer of Lake Forest

Kay Kitts, owns Lot 7

Robert Bunnell, owns Lots 4,5,6

CITY COUNCIL MINUTES  
MARCH 9, 2006

Mike Owens, 1828 Bluff

Robert Carlin, owns Lot 2

Marion Jenkinson, owns Lot 10

Sophia Carlin, owns Lot 2

Liz House, 1818 Bluffwood Place

Billy Arimes, owns Lot 12

Ken Smith, owns Lot 3

There being no further testimony, the public hearing was closed.

5.A.2. Consider public testimony regarding the proposed annexation of 69.557 acres of land out of the Willis Donaho Survey. (GCLC, Northpark at Old Settlers, Park Central Building and Preece Tract) Jim Stendebach, Planning Director made the staff presentation. This tract of land known as GCLC, Northpark@ Old Settlers, Park Central Building and the Preece Tract (Christianson and Chasco tracts) totaling 69.557 acres is located on the south side of CR 113 (Kiphen Road) and east of the FM 1460. It is adjacent to single-family residential development known as the Meadows of Chandler Creek Municipal Utility District to the south. It is the City's desire to annex this tract in order to control the development along this portion of CR 113 (Kiphen Road). Two public hearings will be held regarding this annexation this one and on March 23, 2006.

Mayor Maxwell opened the public hearing. There being no public testimony, the public hearing was closed.

5.A.3. Consider public testimony regarding community needs for the development of the 2006-2007 Community Development Annual Action Plan. Mona Ryan, Community Development Coordinator made the staff presentation. The Code of Federal Regulations (CFR) 91.105 (e) requires that at least two public hearings per year are held to obtain citizens' views on community needs for the preparation of a consolidated plan. Comments gathered at public hearings will be considered for plan development and noted in the final document that will be adopted by the City and presented to the Department of Housing and

CITY COUNCIL MINUTES  
MARCH 9, 2006

Urban Development in August 2006. This is the final public hearing in a series of four being held to gain input from citizens. Public hearings were held at United Way of Williamson County with public service agencies on 2/28/06; at City Hall before the Community Development Advisory Commission on 3/2/05; and on 2/23/05 at Round Rock Housing Authority Cushing Center. Notice of the public hearings was published in the Round Rock Leader on Thursday, February 16, 2006 and was posted on the bulletin board at City Hall on February 13, 2006.

Mayor Maxwell opened the public hearing. There being no public testimony, the public hearing was closed.

CONSENT AGENDA:

The following items were considered routine by the City Council and were enacted by one motion. There was no separate discussion on any of these items and no items were removed from the consent agenda.

\*7.A. Consider approval of City Council minutes for February 22, 2006 and February 23, 2006.

\*9.F.1. Consider a resolution authorizing the Mayor to execute Supplemental Agreement No. 1 to the Agreement for Purchase of Vegetation Control Services with Greenlander, LLC.

\*9.G.2. Consider a resolution authorizing the Mayor to execute Change Order No. 3 to the Contract with H. Deck Construction Co. for the Round Rock West Street Improvements Project.

MOTION: Councilmember Honeycutt moved to approve all the items on the consent agenda. Councilmember Williamson seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt
		Mayor Pro-tem McGraw
		Councilmember Clifford
		Councilmember Salinas

CITY COUNCIL MINUTES  
MARCH 9, 2006

Councilmember Rhode

Councilmember Williamson

Mayor Maxwell

Nays: None

ACTION: The motion carried unanimously.

APPROVAL OF MINUTES:

\*7.A. Consider approval of City Council minutes for February 22, 2006 and February 23, 2006. This item was approved under the consent agenda.

ORDINANCES:

8.A.1. Consider an ordinance determining the public necessity for the acquisition of a permanent tunnel wastewater line easement on a 2.092-acre tract, a 0.158-acre tract and a 0.384-acre tract, and a 0.609 acre temporary staging and storage easement for the McNutt Creek Wastewater Interceptor, and if necessary, authorizing the City Attorney to initiate eminent domain proceedings. (Tunnel Easement-Beverly Johnson Gordon) (First Reading) Steve Sheets, City Attorney made the staff presentation. This ordinance provides authorization to initiate eminent domain proceedings, if necessary, to acquire the various acreage to complete the McNutt Creek Wastewater Interceptor Tunnel Easement.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF ROUND ROCK, DETERMINING A PUBLIC NEED AND NECESSITY FOR THE ACQUISITION OF A 0.294 ACRE AND A 0.315 ACRE TEMPORARY STAGING AND STORAGE EASEMENT AREA (EXHIBIT A-1), A 2.092 ACRE (EXHIBIT A-2), A 0.158 ACRE (EXHIBIT A-3) AND A 0.384 ACRE (EXHIBIT A-4) PERMANENT TUNNEL WASTEWATER LINE EASEMENT; GIVING NOTICE OF OFFICIAL DETERMINATION TO ACQUIRE SAID PROPERTY TO CONSTRUCT AND MAINTAIN IMPROVEMENTS FOR THE MCNUTT CREEK WASTEWATER INTERCEPTOR PROJECT, AND ASSOCIATED PUBLIC USE AND PURPOSES; ESTABLISHING PROCEDURES FOR THE ACQUISITION OF SAID PROPERTY; AUTHORIZING THE CITY ATTORNEY TO FILE PROCEEDINGS IN EMINENT DOMAIN TO ACQUIRE THE NEEDED PROPERTY; AND PROVIDING AN EFFECTIVE DATE.

MOTION: Councilmember Rhode moved to adopt the ordinance. Councilmember Salinas seconded the motion.

VOTE: Ayes: Councilmember Honeycutt

Mayor Pro-tem McGraw

CITY COUNCIL MINUTES  
MARCH 9, 2006

Councilmember Clifford

Councilmember Salinas

Councilmember Rhode

Councilmember Williamson

Mayor Maxwell

Nays: None

ACTION: The motion carried unanimously.

MOTION: Councilmember Clifford moved to dispense with the second reading of the ordinance with the unanimous consent of all the Councilmembers present and to adopt the ordinance. Councilmember Honeycutt seconded the motion.

VOTE: Ayes: Councilmember Honeycutt

Mayor Pro-tem McGraw

Councilmember Clifford

Councilmember Salinas

Councilmember Rhode

Councilmember Williamson

Mayor Maxwell

Nays: None

ACTION: The motion carried unanimously.

8.B.1. Consider an ordinance re-adopting guidelines and criteria governing reinvestment zones and tax abatement agreements within the city limits or extraterritorial jurisdiction of the City of Round Rock. (First Reading) Joe Vining, Executive Director of Community Development made the staff presentation. The state requires that cities utilizing tax abatement as an incentive for new investment in the community adopt criteria that guide the council in their decision-making. Since adopting the matrix two years ago, staff discovered that new businesses needed to be treated differently from existing businesses.

CITY COUNCIL MINUTES  
MARCH 9, 2006

A new section was added to the guidelines and criteria. In addition, some minor modifications were made to the overall criteria.

Steve Sheets, City Attorney outlined the new section. He pointed out that Existing Primary Jobs should be 1 point per 4 jobs and Existing Non-primary Jobs should be 1 point per 6 jobs and the ordinance will be corrected to reflect this change.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 1, SECTION 1.704, CODE OF ORDINANCES (1995 EDITION), CITY OF ROUND ROCK, TEXAS TO AMEND AND RE-ADOPT GUIDELINES AND CRITERIA GOVERNING REINVESTMENT ZONES AND TAX ABATEMENT AGREEMENTS WITHIN THE CITY LIMITS OR EXTRATERRITORIAL JURISDICTION OF ROUND ROCK, TEXAS; PROVIDING A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

MOTION: Councilmember Honeycutt moved to adopt the ordinance. Councilmember Rhode seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt
		Mayor Pro-tem McGraw
		Councilmember Clifford
		Councilmember Salinas
		Councilmember Rhode
		Councilmember Williamson
		Mayor Maxwell

Nays:	None
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ACTION: The motion carried unanimously.

MOTION: Councilmember Rhode moved to dispense with the second reading of the ordinance with the unanimous consent of all the Councilmembers present and to adopt the ordinance. Councilmember Williamson seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt
		Mayor Pro-tem McGraw
		Councilmember Clifford
		Councilmember Salinas

CITY COUNCIL MINUTES  
MARCH 9, 2006

Councilmember Rhode

Councilmember Williamson

Mayor Maxwell

Nays: None

ACTION: The motion carried unanimously.

8.C.1. Consider an ordinance changing the methodology of calculating the winter wastewater averages for the current year. (First Reading) Cindy Demers, Finance Director made the staff presentation. The City's wastewater rates for retail customers are based on the average monthly water consumption for the months of December, January, and February of each fiscal year. Due to unusually warm and dry weather during the months of December 2005, January and February 2006, citizens may have applied above normal amounts of water to the landscaping. This ordinance establishes the methodology for billing wastewater under these abnormal conditions. In order to be fair to the customer, staff will drop the highest month of water usage and average the two remaining months to get the calculation for the current year.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE ESTABLISHING THE METHODOLOGY OF DETERMINING THE AMOUNT OF WASTEWATER SERVICE USED FOR BILLING PURPOSES FROM MARCH 15, 2006 UNTIL THE AMOUNT OF WASTEWATER SERVICE USED IS RE-DETERMINED IN ACCORDANCE WITH CHAPTER 10, SECTION 10.202(1)(C), CODE OF ORDINANCES (1995 EDITION), CITY OF ROUND ROCK, TEXAS; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

MOTION: Councilmember Honeycutt moved to adopt the ordinance. Mayor Pro-tem McGraw seconded the motion.

VOTE: Ayes: Councilmember Honeycutt  
Mayor Pro-tem McGraw  
Councilmember Clifford  
Councilmember Salinas  
Councilmember Rhode  
Councilmember Williamson

CITY COUNCIL MINUTES  
MARCH 9, 2006

Mayor Maxwell

Nays: None

ACTION: The motion carried unanimously.

MOTION: Mayor Pro-tem McGraw moved to dispense with the second reading of the ordinance with the unanimous consent of all the Councilmembers present and to adopt the ordinance. Councilmember Salinas seconded the motion.

VOTE: Ayes: Councilmember Honeycutt  
Mayor Pro-tem McGraw  
Councilmember Clifford  
Councilmember Salinas  
Councilmember Rhode  
Councilmember Williamson  
Mayor Maxwell

Nays: None

ACTION: The motion carried unanimously.

RESOLUTIONS:

9.A.1. Consider a resolution authorizing the Mayor to execute a Real Estate Contract with Chandler Creek, LP for the purchase of 1.377 acres for the Fire Station No. 7 Project. Jim Nuse, City Manager made the staff presentation. This contract provides for a station site that gives the best response time for the largest area possible in the north central area of the City. Staff evaluated a dozen sites in the University Boulevard/IH-35 area. This site provided the best combination of response time, building conditions, and safe access to adjacent roadway's.

Steve Sheets, City Attorney outlined the Real Estate contract which is for \$388,684.00.

RESOLUTION NO. \_\_\_\_\_

WHEREAS, the City desires to purchase a 1.377 acre tract of land for Fire Station Number 7, and



CITY COUNCIL MINUTES  
MARCH 9, 2006

WHEREAS, Chandler Creek, LP, the owner of the property, has agreed to sell said property to the City, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City a Real Estate Contract with Chandler Creek, LP, for the purchase of the above described property, a copy of said Real Estate Contract being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 9th day of March 2006.

MOTION: Mayor Pro-tem McGraw moved to approve the resolution. Councilmember Honeycutt seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt
		Mayor Pro-tem McGraw
		Councilmember Clifford
		Councilmember Salinas
		Councilmember Rhode
		Councilmember Williamson
		Mayor Maxwell
	Nays:	None

ACTION: The motion carried unanimously.

9.B.1. Consider a resolution granting authority to the Mayor to execute an electrical power purchase contract with a retail electric provider to provide electric power to the City.

Cindy Demers, Finance Director made the staff presentation. Since deregulation of the electric market, the City of Round Rock has procured electricity as a member of the Governmental Aggregation Project (GAP) and most recently as a member of Houston Galveston Area Council of Governments (HGAC). The City's current contract with Constellation New Energy, Inc. expires on June 30, 2006. Current trends in the cost of natural gas are improving and are expected to continue to improve through early spring. In addition to the HGAC process, the City will also solicit pricing from retail electric providers.

CITY COUNCIL MINUTES  
MARCH 9, 2006

This resolution grants the Mayor the authority to execute the negotiated contract that results from this process. This item does not bind the City to any agreement or course of action.

RESOLUTION NO. \_\_\_\_\_

WHEREAS, under Senate Bill 7 of the 76<sup>th</sup> Legislature (1999) the Texas Legislature deregulated the purchase of electric power in the State of Texas effective January 1, 2002, and

WHEREAS, the City's current electric contract expires on June 30, 2006, and

WHEREAS, the City is in the process of soliciting pricing from several Retail Electric Providers (REP), all of which are properly registered with the Public Utility Commission, and

WHEREAS, in order for the City to timely execute an electric power supply contract with a REP to obtain the best price in the volatile energy market, this Resolution authorizes the execution of such a contract by the City to purchase power from a Retail Electric Provider, provided the terms of this Resolution are complied with, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

Section 1: The Mayor may execute, on behalf of the City, a contract to purchase power between the City and a Retail Electric Provider in accordance with the terms of this Resolution.

Section 2: The Mayor may only execute an electric power supply contract ("Contract") with an REP in the event the following conditions are strictly complied with:

- (i) the term of the Contract is no less than six months and no more than two years;
- (ii) the price per kilowatt-hour KWH shall be competitive compared to other known KWH charges, considering the terms of the competitive Contract and a better value than the Price to Beat;
- (iii) that the REP recommend by GAP was selected in a competitive process in which the recommended REP offers the most competitive and beneficial Contract to the City when considering the following factors:
  - (a) price per KWH;
  - (b) the amount, if any, of premiums to be paid by the City for using either less or more electrical power than its historic power usage; and
  - (c) ability to provide detailed, consolidated billing for the City and to provide current electrical load data for the City.

Section 3: This Resolution shall take effect upon adoption.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 9th day of March, 2006.

MOTION: Councilmember Williamson moved to approve the resolution.

Councilmember Rhode seconded the motion.

VOTE: Ayes: Councilmember Honeycutt

Mayor Pro-tem McGraw

CITY COUNCIL MINUTES  
MARCH 9, 2006

Councilmember Clifford

Councilmember Salinas

Councilmember Rhode

Councilmember Williamson

Mayor Maxwell

Nays: None

ACTION: The motion carried unanimously.

9.B.2. Consider a resolution authorizing the Mayor to execute an Agreement Extending the Depository and Banking Services Contract with Bank of America, N.A. Cindy Demers, Finance Director made the staff presentation. The current depository contract with Bank of America expires April 30, 2006. This one (1) year extension allows the City to continue to receive the depository services with no additional increases in fees for services over this one-year period. There are no changes to the current contract other than the time extension. The Local Government Code and the City's Investment Policy require that the City request proposals for depository services every five (5) years. Bank of America submitted the winning proposal in 2002. This extension takes the contract out an additional one (1) year, for a final year as permitted by law at a cost of approximately \$48,000 per year.

RESOLUTION NO. \_\_\_\_\_

WHEREAS, the City, on April 30, 2002 entered into a Depository and Banking Services Contract with Bank of America, N.A., said Contract providing for expiration on April 30, 2004, and

WHEREAS, paragraph II of said Contract authorizes the parties to extend the existing Depository and Banking Services Contract, by mutual agreement, for a period not to exceed the period allowed by the City's Comprehensive Investment Policy, which period expires on April 30, 2007, and

WHEREAS, by Resolution No. R-04-04-22-14F4 dated April 22, 2004, the City and Bank of America, N.A. did extend the Depository and Banking Services Contract until April 30, 2006, and

WHEREAS, the City and Bank of America, N.A. now desire to extend the Depository and Banking Services Contract for a period of one additional year, so that the term of said Contract shall expire on April 30, 2007, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS:

I.

CITY COUNCIL MINUTES  
MARCH 9, 2006

That the Mayor is hereby authorized and directed to execute on behalf of the City an Agreement Extending Depository and Banking Services Contract with Bank of America, N.A., a copy of same being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 9th day of March, 2006.

MOTION: Councilmember Clifford moved to approve the resolution. Mayor Pro-tem McGraw seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt
		Mayor Pro-tem McGraw
		Councilmember Clifford
		Councilmember Salinas
		Councilmember Rhode
		Councilmember Williamson
		Mayor Maxwell
	Nays:	None

ACTION: The motion carried unanimously.

9.C.1. Consider a resolution authorizing the Mayor to execute and accept a Bill of Sale and Assignment for the purchase of the West Round Rock Water System Improvements from the Brushy Creek Municipal Utility District. Tom Clark, Water and Wastewater Utilities Director made the staff presentation. On August 22, 2002, the Council authorized the purchase of the West Round Rock Water System Improvements from Brushy Creek MUD. The MUD stopped taking water from the City on January 16, 2006 and requested early termination of the wholesale water supply agreement. The Brushy Creek MUD Wholesale Water Agreement expires October 14, 2006. The Sale of the West Round Rock Water System Improvements agreement contains a provision that allows for early termination as early as January 1, 2006. The MUD constructed its own water treatment plant, which

CITY COUNCIL MINUTES  
MARCH 9, 2006

became fully operational on January 16, 2006 and has requested early termination of the agreement. On August 22, 2002, the City and MUD reached agreement for the purchase of water pipeline transmission facilities and a ground storage tank that were used partially to deliver treated water to the MUD. The assets were constructed at a cost of \$6.9 million for which the City is paying \$3.6 million.

RESOLUTION NO. \_\_\_\_\_

WHEREAS, the City of Round Rock desires to acquire water system improvements from the Brushy Creek Municipal Utility District, and

WHEREAS, on August 22, 2002, the City of Round Rock entered into an Agreement Concerning Purchase and Sale of West Round Rock Water System Improvements with the Brushy Creek Municipal Utility District, and

WHEREAS, the City now wishes to enter into a Bill of Sale and Assignment for the purchase of the West Round Rock Water System Improvements, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City a Bill of Sale and Assignment with the Brushy Creek Municipal Utility District for the purchase of the West Round Rock Water System Improvements, a copy of same being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 9th day of March, 2006.

MOTION: Councilmember Salinas moved to approve the resolution. Councilmember Rhode seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt
		Councilmember Clifford
		Councilmember Salinas
		Councilmember Rhode
		Councilmember Williamson
		Mayor Maxwell

Nays:	None
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Mayor Pro-tem McGraw was out of the room when the vote was taken.

ACTION: The motion carried unanimously.

CITY COUNCIL MINUTES  
MARCH 9, 2006

9.D.1. Consider a resolution authorizing the City Manager to request from the Department of Housing and Urban Development a waiver from repayment of Community Development Block Grant funds expended for rehabilitation of the Senior Center at 205 East Main Street and approving a restrictive covenant on the Allen R. Baca Center for Senior and Community Activities. Mona Ryan, Community Development Coordinator made the staff presentation. The Senior Center on Main Street required emergency repairs. CDBG Program Year 2001, Activity #147 funds were used, over a period of 4 years, for the repairs, which totaled \$69,331. The facility continues to fail structurally and it is in the best interest of the City to have it demolished. This proposal has been discussed with the San Antonio field office and they are receptive of the proposal. HUD has requested a formal letter from the City Manager with the restrictive covenant. This waiver of repayment will be requested from HUD in return for transferring the liability (providing services for senior citizens) from the Senior Center on Main Street to the new Allen R. Baca Center for Senior & Community Activities for a period of no less than five years. There is a five-year period that begins at the close out of a rehabilitation project where the original use of the public facility must be maintained or funds must be reimbursed to HUD. In addition, a restrictive covenant committing a portion of the Allen R Baca Center for Senior & Community Activities to be restricted for use as a Senior Center will be filed only upon final approval from HUD.

RESOLUTION NO. \_\_\_\_\_

WHEREAS, the U.S. Department of Housing and Urban Development ("HUD") has grant funds available to cities through the Community Development Block Grant ("CDBG") Program, and

WHEREAS, the City of Round Rock amended the 2001-2002 Annual Action Plan (the "Plan") to reallocate CDBG funds to add the Senior Center Repair Project (the "Project"), and

WHEREAS, on May 8, 2002, after the expiration of the public comment period, the City of Round Rock submitted to HUD a Request for Release of Funds for the Project, in compliance with HUD regulations, and

WHEREAS, the City of Round Rock has constructed the Allen R. Baca Center for Senior and Community Activities (the "Center"), and

WHEREAS, HUD regulations require activities under a project to remain in place for a period of at least five (5) years after funds have been expended, and

WHEREAS, the City wishes to receive a waiver from any requirement for the repayment of funds expended on the Project by applying for said waiver and impressing the Center with covenants and restrictions, in compliance with HUD regulations, Now Therefore

CITY COUNCIL MINUTES  
MARCH 9, 2006

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the City Council hereby authorizes and directs the City Manager to submit a letter to HUD requesting a waiver for the repayment of funds expended, said letter shall serve as the application to HUD for the waiver.

BE IT FURTHER RESOLVED,

That the City Manager is hereby authorized and directed to execute and record on behalf of the City the "Declaration of Restrictive Covenant Regarding the Allen R. Baca Center for Senior and Community Activities" (the "Declaration"), attached hereto and incorporated herein as Exhibit "A". The execution and recordation of the "Declaration" shall be contingent upon the approval of the waiver by HUD, with the understanding that if the waiver is not granted, the "Declaration" shall be void.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 9th day of March, 2006.

MOTION: Councilmember Honeycutt moved to approve the resolution.

Councilmember Williamson seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt
		Mayor Pro-tem McGraw
		Councilmember Clifford
		Councilmember Salinas
		Councilmember Rhode
		Councilmember Williamson
		Mayor Maxwell

Nays:	None
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ACTION: The motion carried unanimously.

9.E.1. Consider a resolution supporting the multi-jurisdictional application to the Texas Department of Transportation for grant funds for the construction of the SH 130/Brushy Creek Regional Trail. Emsud Horozovic, Parks and Recreation made the staff presentation. This resolution of support is necessary for an application for grant funds that would be used to design and construct a hike and bike trail from Travis County's northeast Metro Park to Old Settlers Park at Palm Valley. Round Rock's pro-rata share of the necessary matching funds is \$80,000.00. These monies would only be committed if the

CITY COUNCIL MINUTES  
MARCH 9, 2006

grant application is successful. This grant application is being coordinated by Travis County, with cooperation from Round Rock, Hutto, and Williamson County. The proposed trail would run along SH 130 to Hutto and then along Brushy Creek to the City of Round Rock's Brushy Creek East Trail. From there the trail would follow Chandler Branch under US 79 to Old Settlers Park at Palm Valley.

RESOLUTION NO. \_\_\_\_\_

WHEREAS, the City of Round Rock, along with Travis County, Williamson County, the City of Pflugerville, and the City of Hutto supports the implementation of the SH 130/Brushy Creek Regional Trail, and

WHEREAS, the City of Round Rock is in support of submitting a grant application to the Texas Department of Transportation for funds from the Safe, Accountable, Flexible and Efficient Transportation Equity Act - a Legacy for Users (SAFETEA-LU) to be used to design and construct a hike and bike trail from Travis County's Northeast Metro Park to Old Settlers Park at Palm Valley, known as the SH 130/Brushy Creek Regional Trail, and

WHEREAS, said grant application requires a resolution from the City Council that provides a commitment to provide, along with the other aforesaid governmental entities, a 20% match of local funds, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the City of Round Rock supports the submission of a multi-jurisdictional application to the Texas Department of Transportation for grant funds from the Safe, Accountable, Flexible and Efficient Transportation Equity Act - a Legacy for Users for the SH 130/Brushy Creek Regional Trail, and the City further commits to provide its share of the 20% local fund match. The foregoing commitment is contingent upon the application being accepted by the Texas Department of Transportation

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 9th day of March, 2006.

MOTION: Councilmember Rhode moved to approve the resolution. Councilmember Salinas seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt
		Mayor Pro-tem McGraw
		Councilmember Clifford
		Councilmember Salinas
		Councilmember Rhode
		Councilmember Williamson



CITY COUNCIL MINUTES  
MARCH 9, 2006

Mayor Maxwell

Nays: None

ACTION: The motion carried unanimously.

\*9.F.1. Consider a resolution authorizing the Mayor to execute Supplemental Agreement No. 1 to the Agreement for Purchase of Vegetation Control Services with Greenlander, LLC. This item was approved under the consent agenda.

RESOLUTION NO. \_\_\_\_\_

WHEREAS, the City of Round Rock has previously entered into an Agreement for Purchase of Vegetation Control Services ("Agreement") with Greenlander, LLC, and

WHEREAS, Greenlander, LLC has submitted Supplemental Agreement No. 1 to the Agreement to renew the contract term, and

WHEREAS, the City Council desires to enter into said Supplemental Agreement No. 1 with Greenlander, LLC, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City Supplemental Agreement No. 1 to the Agreement for Purchase of Vegetation Control Services with Greenlander, LLC, a copy of same being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 9th day of March, 2006.

9.F.2. Consider a resolution authorizing the Mayor to execute a Reimbursement Agreement with McLeoud USA Telecommunications Services for the IH-35 Area Improvement Project. Thomas G. Martin, P.E., Transportation Services Director made the staff presentation. This agreement will provide reimbursement to McLeod USA Communications for adjusting the location of their fiber optic cable. The cable location is in conflict with Chandler Road in conjunction with the IH-35 Area Improvements Project. Cost is \$ 51,000.00. This work is for the relocation of utilities within the right-of-way of the IH-35 Area Improvements Project. This project was awarded by the Texas Transportation Commission in September 2005 and is scheduled for construction in December.

RESOLUTION NO. \_\_\_\_\_

CITY COUNCIL MINUTES  
MARCH 9, 2006

WHEREAS, the City of Round Rock has previously entered into a Reimbursement Agreement with McLeod USA Telecommunications Services ("McLeod") for the relocation of fiber optic cables owned by McLeod in connection with the IH-35 Area Improvements Project, and

WHEREAS, McLeod has submitted a Supplemental Reimbursement Agreement to the Agreement to provide for additional work, and

WHEREAS, the City Council desires to enter into said Supplemental Reimbursement Agreement with McLeod, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City Supplemental Reimbursement Agreement to the Reimbursement Agreement with McLeod USA Telecommunications Services, a copy of same being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 9th day of March, 2006.

MOTION: Councilmember Honeycutt moved to approve the resolution. Mayor Pro-tem McGraw seconded the motion.

VOTE:           Ayes:           Councilmember Honeycutt

Mayor Pro-tem McGraw

Councilmember Clifford

Councilmember Salinas

Councilmember Rhode

Mayor Maxwell

Nays:           None

Councilmember Williamson was out of the room when the vote was taken.

ACTION: The motion carried unanimously.

9.G.1. Consider a resolution authorizing the Mayor to execute a Standard Form of Agreement between Owner and Architect and Supplemental Agreement No. 1 with Brinkley

Sargent Architects for the design and construction of the Police Station at the Tellabs

Building located at 601 Jeffrey Way. Tom Word, P.E., Chief of Public Works Operations

made the staff presentation. This agreement provides for professional design services to the

CITY COUNCIL MINUTES  
MARCH 9, 2006

renovation of an existing building formerly owned by Tellabs, Inc. This renovation is being designed to house the Round Rock Police Department. The agreement is for \$1,127,000.00.

Chief Williamson reported that 75,000 square feet will be renovated and the remaining section will be "shelled out."

RESOLUTION NO. \_\_\_\_\_

WHEREAS, the City of Round Rock desires to retain professional architectural services for the design and construction phase of the new Police Station at the Tellabs Building located at 601 Jeffrey Way, and

WHEREAS, Brinkley Sargent Architects, Inc. has submitted a Standard Form of Agreement Between Owner and Architect with Standard Form of Architect's Services ("Agreement"), and Supplemental Agreement No. 1 to provide said services, and

WHEREAS, the City Council desires to enter into said Agreement, and Supplemental Agreement No. 1 with Brinkley Sargent Architects, Inc., Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City a Standard Form of Agreement Between Owner and Architect with Standard Form of Architect's Services ("Agreement"), and Supplemental Agreement No. 1 with Brinkley Sargent Architects, Inc. for the design and construction phase of the new Police Station, a copy of same being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 9th day of March, 2006.

MOTION: Councilmember Honeycutt moved to approve the resolution.

Councilmember Clifford seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt
		Mayor Pro-tem McGraw
		Councilmember Clifford
		Councilmember Salinas
		Councilmember Rhode
		Councilmember Williamson
		Mayor Maxwell

Nays:	None
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ACTION: The motion carried unanimously.

CITY COUNCIL MINUTES  
MARCH 9, 2006

\*9.G.2. Consider a resolution authorizing the Mayor to execute Change Order No. 3 to the Contract with H. Deck Construction Co. for the Round Rock West Street Improvements Project. This item was approved under the consent agenda.

RESOLUTION NO. \_\_\_\_\_

WHEREAS, the City of Round Rock has previously entered into a contract ("Contract") with H. Deck Construction for the Round Rock West Street Improvements Project, and

WHEREAS, the Council has determined that it is necessary to make changes to the quantity of work to be performed or materials, equipment, or supplies to be provided, and

WHEREAS, it has been determined that it is necessary to change said Contract in accordance with the attached Contract Change Order No. 3, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City Contract Change Order No. 3 to the Contract with H. Deck Construction for the Round Rock West Street Improvements Project, a copy of said change order being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 9th day of March, 2006.

COUNCIL COMMENTS: None

ADJOURNMENT:

There being no further business, the meeting adjourned at 8:45 p.m.

Respectfully Submitted,

Christine R. Martinez, City Secretary